

Assembly Bill No. 547

CHAPTER 790

An act to amend Sections 6108, 6122, 6123, 6140, 6365, 6382, 6383, 6400, 6560, 6586, 6587, 6591, 6592, 6593, 6760, 6786, 6787, 6791, 6792, 6797, 8041, 8065, 8066, 8409, 8451, 8452, 8454, 8500, 8602, and 13001 of, and to repeal Sections 6120, 6121, 6380, 6381, 6588, 6589, 6590, 6788, 6789, 6790, 8042, 8450, and 8453 of, the Elections Code, relating to primary elections.

[Approved by Governor October 7, 1999. Filed
with Secretary of State October 10, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

AB 547, Longville. Elections: nomination papers: costs.

Existing law authorizes signatures to be obtained on a nomination paper for the purpose of qualifying a candidate to seek election at a primary election. Existing law provides for the appointment of persons to circulate those nomination papers.

This bill would delete the requirement that those persons be appointed to circulate those nomination papers.

Existing law provides that on and after January 1, 1996, all expenses authorized and necessarily incurred in the preparation for and conduct of elections proclaimed by the Governor to fill a vacancy in the office of Senator or Member of the Assembly, or to fill a vacancy in the office of United States Senator or Representative in the United States House of Representatives are to be paid by the state. Existing law repeals this provision on January 1, 2000.

This bill would extend the date of the repeal of that provision to January 1, 2005.

The people of the State of California do enact as follows:

SECTION 1. Section 6108 of the Elections Code is amended to read:

6108. The nomination paper for the presidential primary ballot shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON BEHALF OF A PRESIDENTIAL CANDIDATE OR UNCOMMITTED DELEGATE

Section _____ Page ____

County of _____. Nomination paper of a candidate or uncommitted delegation for the presidential primary ballot.

State of California }
County of _____ } ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of _____, State of California, and am registered as intending to affiliate with the Democratic Party. I hereby nominate _____ for the presidential primary to be held on the _____ day of _____, 20____. I have not signed the nomination paper of any other candidate or uncommitted delegation, and I further declare that I intend to support the candidate or uncommitted delegation named herein.

Number	Signature	Printed name	Residence
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
etc.	_____	_____	_____

CIRCULATOR'S AFFIDAVIT

I, _____, solemnly swear (or affirm) that I secured signatures in the County of _____ to the nomination paper of a candidate or uncommitted delegation for the presidential primary ballot named in the signer's statement above; that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be. The signatures were obtained between _____, 20____ and _____, 20____.

(Signed) _____

Circulator

Subscribed and sworn to before me this _____ day of _____, 20____.

(SEAL)

Notary Public (or other official)

SEC. 2. Section 6120 of the Elections Code is repealed.

SEC. 3. Section 6121 of the Elections Code is repealed.

SEC. 4. Section 6122 of the Elections Code is amended to read:

6122. Circulators may obtain signatures to the nomination paper at any time between the period of 120 days and 75 days, inclusive, prior to the presidential primary election.

SEC. 5. Section 6123 of the Elections Code is amended to read:

6123. A county elections official or his or her deputy may not circulate a nomination paper and circulators may not obtain signatures within 100 feet of any election booth or polling place.

SEC. 6. Section 6140 of the Elections Code is amended to read:

6140. Each section of a nomination paper, after being verified, shall be returned by the circulator who circulated it to the steering committee, or to its duly authorized representatives. All the sections circulated in any county shall be collected by the steering committee, or its duly authorized representatives, and they shall arrange and leave the sections with the county elections official for examination.

SEC. 7. Section 6365 of the Elections Code is amended to read:

6365. The nomination paper for a candidate shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON
BEHALF OF CANDIDATE

Section _____ Page _____

County of _____. Nomination paper for _____ as presidential nominee of the Republican Party.

State of California }
County of _____ } ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of _____, State of California, and am registered as intending to affiliate with the Republican Party. I have not signed the nomination paper of any other candidates for the same office, and further declare that I intend to support the nomination of the candidate named herein at the Republican Party presidential primary to be held on the _____ day of _____, 20__.



Number	Signature	Printed name	Residence
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
etc.	_____	_____	_____

CIRCULATOR'S AFFIDAVIT

I, _____, solemnly swear (or affirm) that I secured signatures in the County of _____ to the nomination paper of the candidate named in the signer's statement above as candidate for nomination by the Republican Party at its presidential primary election; that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, that the signatures were obtained between _____, 20__ and _____, 20__, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

(Signed) _____

Circulator

Subscribed and sworn to before me this _____ day of _____, 20__.

(SEAL)

Notary Public (or other official)

SEC. 8. Section 6380 of the Elections Code is repealed.

SEC. 9. Section 6381 of the Elections Code is repealed.

SEC. 10. Section 6382 of the Elections Code is amended to read:

6382. Circulators may obtain signatures to the nomination paper of a candidate at any time not more than 104 nor less than 74 days prior to the presidential primary.

SEC. 11. Section 6383 of the Elections Code is amended to read:

6383. A county elections official or deputy county elections official may not circulate a nomination paper. Circulators may not obtain signatures within 100 feet of any election booth or polling place.

SEC. 12. Section 6400 of the Elections Code is amended to read:

6400. Each section of a nomination paper shall be returned by the circulator who circulated it to the candidate or his or her designee. All the sections circulated in any county shall be collected by the



candidate or his or her designee and he or she shall arrange and leave the sections with the county elections official for examination.

SEC. 13. Section 6560 of the Elections Code is amended to read:

6560. Any three or more voters of the state who are registered as intending to affiliate with the American Independent Party may join as a committee in proposing the nomination of a group of candidates for delegates. The committee may elect its officers, select the candidates for delegates, select the chairman of the committee, secure the endorsement of the person, if any, preferred by the committee as candidate for presidential nominee, appoint alternates, assemble and file all necessary papers, and take all other action which may be necessary for the organization and election of the group. The committee in performing its functions may act through its officers or designated representatives.

SEC. 14. Section 6586 of the Elections Code is amended to read:

6586. The nomination paper for a candidate for the presidential preference portion of the ballot shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON
BEHALF OF PRESIDENTIAL PREFERENCE PRIMARY
CANDIDATE

Section _____ Page _____

County of _____. Nomination paper of a presidential
preference candidate for the American Independent Party
presidential primary ballot.

State of California }
County of _____ } ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of _____, State of California, and am registered as intending to affiliate with the American Independent Party. I hereby nominate _____ for the presidential preference portion of the American Independent Party's presidential primary ballot, to be voted for at the presidential primary to be held on the _____ day of _____, 20____. I have not signed the nomination paper of any other candidate for the same office, or for any group of delegates, to the national convention of the party, and I further declare that I intend to support the candidate named herein.



Number	Signature	Printed name	Residence
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
etc.	_____	_____	_____

CIRCULATOR'S AFFIDAVIT

I, _____, solemnly swear (or affirm) that I secured signatures in the County of _____ to the nomination paper of a candidate in the presidential preference primary of the American Independent Party; that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, that the signatures were obtained between _____, 20__, and _____, 20__, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

I declare under penalty of perjury that the foregoing is true and correct.

(Signed)_____

Circulator

SEC. 15. Section 6587 of the Elections Code is amended to read:

6587. The nomination paper for a group of candidates for delegates, to the national convention shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON
BEHALF OF GROUP OF CANDIDATES FOR DELEGATES
TO NATIONAL CONVENTION

Section _____ Page _____

County of _____. Nomination paper of group of candidates for election as delegates by the American Independent Party pledged to the candidacy of _____ as presidential nominee or expressing no preference, as the case may be.

State of California }
County of _____ } ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of _____, State of California, and am registered as intending to affiliate with the American Independent Party. I hereby nominate the following:

Number	Names	Residence city or town	County
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
etc.	_____	_____	_____

(to such number as may be required) etc., as candidates for delegates to the American Independent Party's National Convention, to be voted for at the presidential primary to be held on the _____ day of _____, 20____. I have not signed the nomination paper of any other candidates for the same office, or of any candidate for the presidential preference portion of the primary ballot, and I further declare that I intend to support for nomination the candidates named herein.

Number	Signature	Printed name	Residence
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
etc.	_____	_____	_____

CIRCULATOR'S AFFIDAVIT

I, _____, solemnly swear (or affirm) that I secured signatures in the County of _____ to the nomination paper of the group of candidates named in the signer's statement above as candidates for nomination and election by the American Independent Party as delegates to represent the State of California in the party's next national convention; that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, that the signatures were obtained between _____, 20____, and _____, 20____, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

I declare under penalty of perjury that the foregoing is true and correct.



(Signed) _____
Circulator

SEC. 16. Section 6588 of the Elections Code is repealed.

SEC. 17. Section 6589 of the Elections Code is repealed.

SEC. 18. Section 6590 of the Elections Code is repealed.

SEC. 19. Section 6591 of the Elections Code is amended to read:

6591. Circulators may obtain signatures to the nomination paper of the candidate or group of candidates at any time not more than 104 nor less than 74 days prior to the presidential primary.

SEC. 20. Section 6592 of the Elections Code is amended to read:

6592. An elections official or deputy elections official may not serve as a circulator and circulators may not obtain signatures within 100 feet of any election booth or polling place.

SEC. 21. Section 6593 of the Elections Code is amended to read:

6593. Each section of a nomination paper, after being verified, shall be returned to the candidate, committee, or duly authorized representatives. All the sections circulated in any county shall be collected by the candidate, committee, or duly authorized representatives, who shall arrange and leave the sections with the elections official for examination.

SEC. 22. Section 6760 of the Elections Code is amended to read:

6760. Any five or more voters of the state who are registered as affiliated with the Peace and Freedom Party may join as a committee in proposing the nomination of a group of candidates for delegates. The committee may elect its officers, select the candidates for delegates, select the chairperson of the committee, secure the endorsement of the person, if any, preferred by the committee as candidate for presidential nominee, appoint alternates, assemble and file all necessary papers, and take all other action that may be necessary for the organization and election of the group. The committee in performing its functions may act through its officers or designated representatives.

SEC. 23. Section 6786 of the Elections Code is amended to read:

6786. The nomination paper for a candidate for the presidential preference portion of the ballot shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER
ON BEHALF OF PRESIDENTIAL PREFERENCE
PRIMARY CANDIDATE

Section _____ Page _____
County of _____.

Nomination paper of a presidential preference candidate for the Peace and Freedom Party presidential primary ballot.

State of California }
County of _____ } ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of _____, State of California, and am registered as affiliated with the Peace and Freedom Party. I hereby nominate _____ for the presidential preference portion of the Peace and Freedom Party's presidential primary ballot, to be voted for at the presidential primary to be held on the _____ day of June, 20____. I have not signed the nomination paper of any other candidate for the same office, or for any group of delegates to the national convention of the _____ Party, with which the Peace and Freedom Party of California is affiliated on the national level.

Number	Signature	Printed name	Residence street address /city
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
etc.	_____	_____	_____

CIRCULATOR'S DECLARATION

I, _____, affirm that I am a voter registered as affiliated with the Peace and Freedom Party in _____ County, that I secured signatures in the County of _____ to the nomination paper of a candidate in the presidential preference primary of the Peace and Freedom Party, that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, that the signatures were obtained between _____, 20____, and _____, 20____, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

I declare under penalty of perjury that the foregoing is true and



correct.

Executed at _____, California, this _____ day of _____, 20__.

(Signed) _____

Circulator

(Printed name) _____

SEC. 24. Section 6787 of the Elections Code is amended to read:

6787. The nomination paper for a group of candidates for delegates to the national convention shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON
BEHALF OF GROUP OF CANDIDATES FOR DELEGATES
TO NATIONAL CONVENTION

Section _____ Page _____
County of _____.

Nomination paper of group of candidates for election as delegates by the Peace and Freedom Party pledged to the candidacy of _____ as presidential nominee, or expressing no preference, as the case may be.

State of California }
County of _____ } ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of _____, State of California, and am registered as affiliated with the Peace and Freedom Party. I hereby nominate the following:

Number	Names	Residence city or town	County
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
etc.	_____	_____	_____

(to the number as may be required) as candidates for delegate to the national convention of the _____ Party, with which the Peace and Freedom Party of California is affiliated on the national level, to be voted for at the presidential primary to be held on the _____ day of March, 20____. I have not signed the nomination paper of any other group of candidates for delegates to the national convention or of any candidate for the presidential preference portion of the primary ballot.

Number	Signature	Printed name	Residence street address /city
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
etc.	_____	_____	_____

CIRCULATOR'S DECLARATION

I, _____, affirm that I am a voter registered as affiliated with the Peace and Freedom Party in _____ County, that I secured signatures in the County of _____ to the nomination paper of the group of candidates named in the signer's statement above as candidates for nomination and election by the Peace and Freedom Party as delegates to represent the Peace and Freedom Party of California in the _____ Party's next national convention, that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, that the signatures were obtained between _____, 20____, and _____, 20____, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at _____, California, this _____ day of _____, 20____.

(Signed)_____

Circulator

(Printed name)_____



SEC. 25. Section 6788 of the Elections Code is repealed.

SEC. 26. Section 6789 of the Elections Code is repealed.

SEC. 27. Section 6790 of the Elections Code is repealed.

SEC. 28. Section 6791 of the Elections Code is amended to read:

6791. Circulators may obtain signatures to the nomination paper of the candidate or group of candidates at any time not more than 104 nor less than 74 days prior to the presidential primary.

SEC. 29. Section 6792 of the Elections Code is amended to read:

6792. Each section of a nomination paper, after being verified, shall be returned by the verification deputy who circulated it to the candidate, committee, or duly authorized representatives. All the sections circulated in any county shall be collected by the candidate, committee, or duly authorized representatives, who shall arrange and leave the sections with the elections official for examination.

SEC. 30. Section 6797 of the Elections Code is amended to read:

6797. The certificate of the elections official to nomination papers of a candidate or group of candidates shall be in substantially the following form:

CERTIFICATE OF ELECTIONS OFFICIAL TO NOMINATION
PAPERS OF CANDIDATE OR GROUP OF CANDIDATES

To the Secretary of State:

I, County Elections Official of the County of _____, hereby certify that I have examined the nomination papers, to which this certificate is attached, of the presidential candidate or group of candidates for delegates at the ensuing presidential primary, and that the number of names which I have not marked "not sufficient" is _____.

The candidate or group of candidates named in the nomination papers comprise the following (state names of candidates):

etc.	etc.	etc.

Dated this _____ day of _____, 20__.

(SEAL)

County Elections Official

By _____
Deputy

SEC. 31. Section 8041 of the Elections Code is amended to read:

8041. (a) The nomination paper shall be in substantially the following form:

NOMINATION PAPER

I, the undersigned signer for _____ for the _____ Party nomination to the office of _____, to be voted for at the primary election to be held on the _____ day of _____, 20____, hereby assert as follows:

I am a resident of _____ County and registered to vote at the address shown on this paper and affiliated with the _____ Party. I am not at this time a signer of any other nomination paper of any other candidate for the above-named office, or in case there are several places to be filled in the above-named office, I have not signed more nomination papers than there are places to be filled in the above-named office. My residence is correctly set forth after my signature hereto:

Name _____

Residence _____

(b) The affidavit of the circulator shall read as follows:

AFFIDAVIT OF THE CIRCULATOR

I, _____, solemnly swear (or affirm) that the signatures on this section of the nomination paper were obtained between _____, 20____, and _____, 20____; that I circulated the petition and I saw the signatures on this section of the nomination paper being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.

My voting residence is _____.

Signed _____

Subscribed and sworn to before me this _____ day of _____, 20____.

(SEAL) _____

Notary Public (or other official)

Examined and certified by me this _____ day of _____, 20____.

Elections Official

WARNING: Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any nomination paper in his or her possession which is entitled to be filed under Section 18202 of the Elections Code.

SEC. 32. Section 8042 of the Elections Code is repealed.

SEC. 33. Section 8065 of the Elections Code is amended to read:

8065. The elections official shall not accept for filing any nomination paper unless all blanks in the certificate are filled.

SEC. 34. Section 8066 of the Elections Code is amended to read:

8066. Circulators shall be voters in the district or political subdivision in which the candidate is to be voted on and shall serve only in that district or political subdivision.

SEC. 35. Section 8409 of the Elections Code is amended to read:

8409. Each candidate or group of candidates shall submit a nomination paper that shall be substantially in the following form:

County of _____. Nomination paper of _____, candidate for the office of _____.

State of California }
County of _____ } ss.

SIGNER'S STATEMENT

I, undersigned, am a voter of the County of _____, State of California. I hereby nominate _____, who resides at No. _____, _____ Street, City of _____, County of _____, State of California, as a candidate for the office of _____ to be voted for at the election to be held on the _____ day of _____, 20____. I have not signed the nomination paper of any other candidate for the same office.

Number	Signature	Printed Name	Residence
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
etc.	_____	_____	_____

CIRCULATOR'S AFFIDAVIT

I, _____, solemnly swear (or affirm) that I secured signatures in the County of _____ to the nomination paper of _____ as candidate for the office of _____; that the signatures were obtained between _____, 20 __, and _____, 20__; that I saw all the signatures on this section of the nomination paper being signed and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.

My residence address is _____

(Signed) _____

Circulator

Subscribed and sworn to before me this _____ day of _____, 20__.

(SEAL)

Notary Public (or other official)

SEC. 36. Section 8450 of the Elections Code is repealed.

SEC. 37. Section 8451 of the Elections Code is amended to read:

8451. Circulators shall be voters in the district or political subdivision in which the candidate is to be voted on and shall serve only in that district or political subdivision.

SEC. 38. Section 8452 of the Elections Code is amended to read:

8452. A county elections official or a deputy county elections official may not circulate nomination papers, and circulators shall not obtain signatures within 100 feet of any election booth or polling place.

SEC. 39. Section 8453 of the Elections Code is repealed.

SEC. 40. Section 8454 of the Elections Code is amended to read:

8454. (a) Circulators obtaining signatures to the nomination paper of any candidate may, at any time not more than 148 nor less than 88 days prior to the election, obtain signatures to the nomination paper of the candidate.

(b) Circulators obtaining signatures to the nomination paper of any candidate for presidential elector may, at any time not more than 193 nor less than 88 days prior to the election, obtain signatures to the nomination paper of the candidate.

SEC. 41. Section 8500 of the Elections Code is amended to read:

8500. Each section of a nomination paper, after being verified, shall be returned by the circulator who circulated it to the candidate. All the sections circulated in any area shall be collected by the candidate and shall be arranged for filing and examination.

SEC. 42. Section 8602 of the Elections Code is amended to read:

8602. The nomination papers for a write-in candidate shall be substantially in the same form as set forth in Section 8041.

SEC. 43. Section 13001 of the Elections Code, as amended by Section 1 of Chapter 1102 of the Statutes of 1996, is amended to read:

13001. (a) Except as provided in subdivision (b), all expenses authorized and necessarily incurred in the preparation for and conduct of elections as provided in this code shall be paid from the county treasuries, except that when an election is called by the governing body of a city the expenses shall be paid from the treasury of the city. All payments shall be made in the same manner as other county or city expenditures are made. The elections official, in providing the materials required by this division, need not utilize the services of the county or city purchasing agent.

(b) On and after January 1, 1996, all expenses authorized and necessarily incurred in the preparation for and conduct of elections proclaimed by the Governor to fill a vacancy in the office of Senator or Member of the Assembly, or to fill a vacancy in the office of United States Senator or Representative in the United States House of Representatives, shall be paid by the state. If an election proclaimed by the Governor to fill a vacancy in an office specified in this subdivision is consolidated with any other local election, only those additional expenses directly related to the election proclaimed by the Governor to fill a vacancy in the office shall be paid by the state.

(c) This section shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute that is enacted on or before January 1, 2005, deletes or extends that date.

SEC. 44. Section 13001 of the Elections Code, as amended by Section 2 of Chapter 1102 of the Statutes of 1996, is amended to read:

13001. (a) All expenses authorized and necessarily incurred in the preparation for and conduct of elections as provided in this code shall be paid from the county treasuries, except that when an election is called by the governing body of a city the expenses shall be paid from the treasury of the city. All payments shall be made in the same manner as other county or city expenditures are made. The elections official, in providing the materials required by this division, need not utilize the services of the county or city purchasing agent.

(b) This section shall become operative on January 1, 2005.

